

AFFIDAVIT

I, Paul Altenburg, being duly sworn, depose and state as follows:

1. I am a Special Agent with Homeland Security Investigations (HSI). I am assigned to HSI's Office of the Resident Agent in Charge (RAC) Burlington, VT. I have been employed as a Special Agent since May 2010.

2. I have written or participated in numerous narcotics search warrants and/or consent searches which resulted in the seizure of both small and large amounts of controlled substances. I have also investigated numerous cases pertaining to the possession/distribution of illegal drugs. As a result of my training and experience, I have seen, handled and I am familiar with the packaging and appearance of illicit drugs. I have observed how illicit drugs are packaged, and the paraphernalia associated with the use of illicit drugs. I have received extensive training in the area of narcotics investigations including interdiction, investigation, and current trends utilized by those involved in the drug trade. This training includes the Criminal Investigator Training Program, at the Federal Law Enforcement Training Center in Glynco, Georgia.

3. For the last several months, the Northern Vermont Drug Task Force (VDTF) has investigated drug trafficking in Vermont by two men from Philadelphia, Pennsylvania: Malcolm Stephens and Marcellus Stephens. During December 2019 through February 2020, the VDTF conducted multiple controlled buys of cocaine base from Malcolm Stephens in Newport, Vermont. During February 2020, the VDTF conducted multiple controlled buys, of methamphetamine and cocaine base from Marcellus Stephens in Burlington and Essex, Vermont. One of the controlled buys from Malcolm Stephens is described below.

4. In December 2020, the VDTF began investigating the distribution of “crack” cocaine and heroin in the Orleans County area by Malcolm Stephens (“STEPHENS”). VDTF Detective Aaron Lefebvre debriefed a Confidential Informant (“CI”) about drug trafficking by STEPHENS. VDTF Detective Lefebvre showed the CI a known picture of STEPHENS. The CI confirmed the person depicted was STEPHENS. The CI provided to the VDTF STEPHENS’s mobile phone numbers.

5. One of the controlled buys of cocaine base from STEPHENS was during the first week of February 2020. During the week of February 5, 2020, VDTF Detective Lefebvre met with the CI to arrange a purchase of cocaine base. In the presence of VDTF Detective Lefebvre, the CI called STEPHENS via STEPHEN’s cellphone and arranged the transaction with STEPHENS at a Newport, Vermont residence. Detective Lefebvre monitored and recorded the phone contact between the CI and STEPHENS.

6. In preparing for the early February controlled buy, Detective Lefebvre briefed the CI on the objectives of the investigation and the safety plan. Detective Lefebvre conducted a search of the CI and no contraband or currency was located. VDTF Detective Lefebvre provided the CI with prerecorded Task Force Funds for the purchase of the cocaine base. The CI was equipped with audio and video transmitting and recording equipment.

7. The CI traveled a pre-determined route to meet STEPHENS at the determined transaction location while under continual observation by the surveillance team. In addition to surveillance observations, the CI was continually monitored via the audio and video transmitting device. VDTF Detective Brandon Degre observed the CI arrive at the transaction location and enter the building. Recorded audio of the meeting between the CI and STEPHENS reflects a drug transaction consistent with the prior recorded phone call between the CI and STEPHENS.

A short time after the CI entered the residence, VDTF Detective Brandon Degre observed the CI leave and begin traveling toward a pre-determined meeting location.

8. VDTF Detective Lefebvre met with the CI at a predetermined meeting location. The CI turned over to VDTF Detective Lefebvre 2.09 grams of suspected cocaine base. VDTF Detective Lefebvre later field-tested the suspected cocaine base, and the test yielded a positive result for cocaine. In a memorialized sworn statement, the CI described buying the cocaine base from STEPHENS.

9. On February 27, 2020 VDTF Det. Michael DeFiore utilized a different CI to obtain video and audio recordings from the occupants of 106 Center Road, Essex Junction, Vermont. That is the location from which Marcellus Stephens sold drugs in several February 2020 controlled drug buys arranged by the VTDF. Video surveillance revealed that both Malcolm and Marcellus Stephens were present in the living room of the residence. The video, along with the CI's reported observations, indicated that Marcellus Stephens had methamphetamine for sale, and Malcolm Stevens had heroin for sale.

10. On the evening of February 27, 2020, this Court issued a search warrant for 106 Center Road in Essex Junction. That evening, HSI Burlington and the VDTF executed the warrant. Upon entry, both Malcolm and Marcellus Stephens fled from the living room area. A significant quantity of controlled substances were seized, the bulk of which were found in the living room. Investigators seized approximately 640 bags of suspected fentanyl, 7.72 grams of suspected cocaine base, 2.33 grams of suspected cocaine, and 18.75 grams of suspected methamphetamine.

Dated at Burlington, in the District of Vermont, this 28th day of February 2020.

A handwritten signature in black ink, appearing to read "Paul Altenburg", with a stylized flourish at the end.

Paul Altenburg
HSI Special Agent